

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1759 – SB 1962

February 25, 2014

SUMMARY OF ORIGINAL BILL: Authorizes a transdermal monitoring device to be ordered as a condition of pretrial diversion, parole, probation, judicial diversion or DUI probation, if it is the opinion of the District Attorney General that the defendant's use of alcohol or drugs was a contributing factor in the defendant's unlawful conduct.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012958): Adds language to the original bill stating the act shall be known as “Amelia’s Law”.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note

Assumptions for the bill as amended:


- The term “transdermal monitoring device” means any device or instrument that is attached to the person, designed to automatically test the alcohol or drug content in a person by contact with the person’s skin at least once per one half (1/2) hour regardless of the person’s location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.
- The cost associated with any individual being required to wear a transdermal monitoring device will be borne by the individual ordered to wear the device.
- According to the Department of Safety and Homeland Security (DOS), this bill will have no impact upon the department.
- Based on the information provided by the Office of the Attorney General, this bill will have no fiscal impact upon the office.
- According to the Administration Office of the Courts, any fiscal impact will be not significant.

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- There could be an increase in state and local sales tax collections as a result of new or increased usage of transdermal monitoring devices (TMDs). Any such impact is dependent upon several unknown factors such as the extent to which usage of TMDs are ordered, the cost of the TMDs, whether the TMDs are purchased or leased, the time period that any such persons will be required to wear TMDs, and the timing of any order for a person to wear a TMD.
- Any person ordered to wear a TMD is expected to reduce their disposable income expenditures on other sales-taxable goods and services as a result of being required to spend their disposable income on the sales-taxable purchase or lease of a TMD. As a result, any net change in disposable income expenditures, and thus any net change in state and local sales tax collections is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" and last name "Geise" clearly distinguishable.

Lucian D. Geise, Executive Director

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